

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1842

Introduced by Assembly Member Monning
(Coauthor: Assembly Member Alejo)

February 22, 2012

An act to amend Sections 1451 and 1453 of the Military and Veterans Code, relating to veterans, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1842, as amended, Monning. California Central Coast State Veterans Cemetery: Endowment Fund.

Existing law requires the Department of Veterans Affairs, in voluntary cooperation with specified local entities, to design, develop, and construct a state-owned and state-operated veterans cemetery located on the site of the former Fort Ord. Existing law creates the California Central Coast State Veterans Cemetery at Fort Ord Endowment Fund (Endowment Fund) in the State Treasury, and requires moneys in the fund to be allocated, upon appropriation by the Legislature, to the department for the annual administrative and oversight costs of the veterans cemetery, as specified, and to generate funding through interest for the veterans cemetery. Existing law provides that the Endowment Fund may consist of, among other things, donations from public and private entities and fees.

This bill would authorize the department to enter into any financial agreement to receive cash advances in the Endowment Fund, *provided that no encumbrances are made to the state and the agreement is reviewed and performed in consultation with the Department of Finance.*

Existing law requires the department, upon the determination of specified parties that the Endowment Fund has adequate principal to annually yield sufficient investment earnings, from the date of the determination, to cover the annual administrative and oversight costs over the next 10 years and to fund the estimated costs of developing and submitting the federal State Veterans Cemetery Grant Program application, to develop and submit a State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs for the establishment of a veterans cemetery. Under existing law, if awarded, the moneys received from the federal grant program are required to be used to reimburse the Endowment Fund for specified costs, as well as the state's share of any other costs for the design, construction, and equipping of the veterans cemetery.

This bill would authorize the department to use any moneys received from the State Veterans Cemetery Grant Program that are transferred to the Endowment Fund for the reimbursement of those specified costs to reimburse any cash advances made to the Endowment Fund used for those costs to the extent allowed by grant requirements, *once it is determined by the California Department of Veterans Affairs and certified by the Controller's office that sufficient funds remain in the Endowment Fund to cover ongoing maintenance and operating costs.*

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1451 of the Military and Veterans Code
- 2 is amended to read:
- 3 1451. (a) The California Central Coast State Veterans
- 4 Cemetery at Fort Ord Endowment Fund is hereby created in the
- 5 State Treasury. Moneys in the Endowment Fund shall be allocated,
- 6 upon appropriation by the Legislature, to the department for the
- 7 annual administrative and oversight costs of the veterans cemetery,
- 8 pursuant to Sections 1453 and 1454, and to generate funding
- 9 through interest for the veterans cemetery.
- 10 (b) (1) Moneys in the fund shall first be invested with the goal
- 11 of achieving capital appreciation to create a balance sufficient to
- 12 generate ongoing earnings to cover the estimated annual oversight

1 and maintenance costs associated with the veterans cemetery
2 pursuant to Section 1453.

3 (2) Upon the determination of the Controller that the Endowment
4 Fund balance has attained the goal established in paragraph (1),
5 moneys in the fund shall be invested to generate earnings to fund
6 annual oversight and maintenance costs associated with the
7 veterans cemetery.

8 (c) (1) The Endowment Fund may consist of donations from
9 public and private entities, partnerships between public and private
10 entities, fees, cash advances, and transfers from the state General
11 Fund as may be specified by law.

12 (2) The department may enter into any financial agreement to
13 receive cash advances in the Endowment Fund, *provided that no*
14 *encumbrances are made to the state and the agreement is reviewed*
15 *and performed in consultation with the Department of Finance.*

16 (d) To the extent possible, donations made in-kind to the
17 Endowment Fund shall be monetized so as to offset the ongoing
18 administrative and oversight costs under Sections 1452 and 1453.

19 (e) Earnings generated by the Endowment Fund shall be retained
20 by the fund.

21 (f) Moneys deposited in the Endowment Fund are exempt from
22 the requirements of Sections 11270 through 11277 of the
23 Government Code.

24 (g) Moneys in the Endowment Fund shall be invested by the
25 Treasurer, after consultation with the department, in a manner that
26 best meets the goals of the fund.

27 (h) If, through changes in state or federal law, additional
28 revenues are identified for the administration and oversight of the
29 cemetery, including increases in federal burial allowances, so that
30 the amount of annual revenue exceeds the annual administrative
31 and oversight costs, the excess revenues shall be deposited in the
32 Endowment Fund.

33 SEC. 2. Section 1453 of the Military and Veterans Code is
34 amended to read:

35 1453. (a) (1) Upon the determination of the Controller, after
36 consultation with the Secretary of Veterans Affairs, that the
37 Endowment Fund has adequate principal to annually yield
38 sufficient investment earnings, from the date of the determination,
39 to cover the annual administrative and oversight costs over the
40 next 10 years and to fund the estimated costs of developing and

1 submitting the State Veterans Cemetery Grant Program application,
2 the department shall develop and submit a State Veterans Cemetery
3 Grant Program application to the United States Department of
4 Veterans Affairs for the establishment of a veterans cemetery.

5 (2) The Controller, upon appropriation by the Legislature, shall
6 transfer moneys from the Endowment Fund to the Operations Fund
7 in an amount equal to the estimated costs of developing and
8 submitting the State Veterans Cemetery Grant Program application
9 to the United States Department of Veterans Affairs.

10 (3) Notwithstanding paragraph (1), the Controller, upon
11 appropriation by the Legislature, shall transfer funds from the
12 Endowment Fund to the Operations Fund in an amount at least
13 equal to the estimated costs to complete preliminary plans and
14 working drawings. Transfers shall be made only when sufficient
15 funds, as determined by the Director of Finance, exist to fully
16 accomplish each of these project phases.

17 (4) The department shall not proceed with advertisement for
18 construction bids until the Endowment Fund has adequate principal
19 to cover annual administrative and oversight costs, in accordance
20 with paragraph (1).

21 (b) (1) The Secretary of Veterans Affairs shall submit the State
22 Veterans Cemetery Grant Program application to the United States
23 Department of Veterans Affairs within six months of the
24 Controller's determination pursuant to subdivision (a). The
25 Secretary of Veterans Affairs is authorized to act as the official
26 representative of the state in connection with the State Veterans
27 Cemetery Grant Program application, including providing the
28 United States Department of Veterans Affairs throughout the
29 application process with all necessary assurances that additional
30 information shall be provided when required. The Secretary of
31 Veterans Affairs shall have final approval of all aspects of the
32 cemetery design and operation.

33 (2) Upon transfer of funds pursuant to paragraphs (2) and (3)
34 of subdivision (a), the department is authorized to proceed with
35 all activities necessary to support the submission of the State
36 Veterans Cemetery Grant Program application.

37 (3) Upon the United States Department of Veterans Affairs'
38 certification of the grant award, the department is authorized to
39 proceed with construction and equipping of the veterans cemetery.

(c) (1) If awarded, the moneys received from the State Veterans Cemetery Grant Program shall be used to reimburse the Endowment Fund for the costs of developing and submitting the State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs and other eligible costs, and to fund 100 percent of costs allowed by the grant requirements, as well as the state's share of any other costs for the design, construction, and equipping of the veterans cemetery.

(2) Any moneys received from the State Veterans Cemetery Grant Program that are transferred to the Endowment Fund for the reimbursement of the costs specified in paragraph (1) may be used by the department to reimburse any cash advances made to the Endowment Fund used for those costs to the extent allowed by grant requirements, *once it is determined by the California Department of Veterans Affairs and certified by the Controller's office that sufficient funds remain in the Endowment Fund to cover ongoing maintenance and operating costs.*

~~SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:~~

~~In order to timely utilize critical funding to allow for the application for the federal grant moneys available under the State Veterans Cemetery Grant Program for the establishment of the California Central Coast State Veterans Cemetery at Fort Ord, it is necessary for this act to take effect immediately.~~